GRS IX 5]

Previous references. 1923. (Muzrai) **File No.** 222-23

Serial Nos. 1-4

Later references.
261 2 - 1 11
117-75-1-5

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for September 1924

SUBJECT

Appeal petition of Basavrah son of Puttich, Dodda-Ankana Village, Closepet Sub-Taluqs praying for stay of ~~order~~ the execution of the order pending disposal of the Govt. order re Pujarship of Basaveswara temple at the place. —

No. 372 dated 5.9.24 To the Muz Comr

Under certain circumstances Govt. are unable to uphold the order of the Dy. Comr and direct that the case will be remanded to him for disposal on the merits.

A1850

Muz 1] 1923.

MUZRAI SECRETARIAT.

(Muz.)

NOTES.

File No. 222/1923

FILE HEADING.

Pujariship of Basaneswara temple in Dodda Ankanahalli Village, Clospet Sub-Taluk.

From Basaviah son of Puttiah.

No Petition Dated Received 22.2.1923

Diary No. 1023 Enclos. Spare Copies. Serial No 1

BRIEF ABSTRACT OF LETTER.

Appeals (A) against the Dy. Com-r's. order (B) declining interference with the Sub Divl Officer's order removing the aplt from the Pujariship for misconduct, and appointing one Nagamangaliah as Archak, and prays for stay of the execution

NOTES AND ORDERS.

of the ~~Dy. Com~~ order appealed against pending the final disposal of the appeal.

1) Petition is duly stamped. An authenticated copy of the Dy. Comrs order appealed against is produced. The Dy. Comrs. order is Dy 11-1-1924

(B.

NOTES--First Sheet

WD 0560—GPB—500—9 8 22

R. S. III-21

General and Revenue Secretariat.

File No. 222 of 1923

2

Serial No.

While the appeal petition was received in this office on 22-2-24 It is in time -

2) The complaints against the Ex Pujari aplt are that he is given to Sri Debauchery and keeps company with Madigars and ~~Sp~~ Smokes Ganja etc Submitted.

AM 26/2/1924

3) A report with records may be called for. No stay order seems necessary.

A

26.2.24

27.2.24.

722 27.2.24 2nd member)

4) I agree

27/2 28/2

28.2.24

5) Dr. Submitted

AM 28.2.24.

28/2/24

6) Issue

29.2.24.

NOTE—Contn. sheet.

~~[illegible]~~ 22/2

G. R. S. III-2]

General and Revenue Secretariat.

File No. 222 of 1923.

Serial No.

2 To the Mugnai Commr. No. 1180 d. 6.3.24. Forwards the above petition for report with records.

Sup 3. From, the Mrez. Comr
Letter no. 21 Dy 14.5.24.
Reports that the Dy. Comrs. order removing the apl. from the Archakship on account of his bad conduct and neglect of Puja etc. is correct.

VKB 7) Office memo in the records, prepared in the Dy. Comrs' office explains the facts of the case

8) The complaints against the Archak apl. are that his conduct is bad, and that he neglected worship etc. Besides he is not the hereditary Archak.

Submtd. for orders.

9) The Dy Comrs order seems to be quite right; and if appd. an Endt. will be given ~~[illegible]~~ to the appellant that there is no reason to interfere with the Dy Comrs order.

6.6.1924

6.6.24

10 6 [illegible]

Rev Secy
II Chemnoy

11.6.24

10) [illegible]

221/11 6

11 6

NOTE—Contn. sheet.

S. III-2]

Muzrai Secretariat

Muz. File No. 222 of 1923

Serial No.

11) Dft. notices to the 29th inst. submitted for kind appl.

AG 14.7.24 BG 14.7.24

12) Issue

14.7.24.

13) Case called.

Mr for appellant

Mr Narasimhaiyar for res

14) The Dep. Comr. has dismissed the appeal preferred to him by the appellant on his record stating & without giving a hearing to the appt on the ground that

1 The appeal pet. was time barred

2 That his ~~[illegible]~~ not being a hereditary archaic. His appointment to a stranger to the office was in order

15) On the first point, it is seen from the records that though the order of the S.D.O. directing the dismissal, the appellant was passed in April 23. it was not communicated to the appellant till Aug 23, and as he presented his appeal to the Dep. Comr. on 4th Sept 23 the appeal pet. should be considered in time & the Dep. Comr. was therefore not right in dismissing it as time barred on

16) Further ~~[illegible]~~ the D.C. has not started - his order where ~~[illegible]~~ Evidence in claimant has been ~~[illegible]~~ had before him to support his finding that the appellant had no hereditary rate to the office

17) ~~The record~~ In the circumstances, I am unable to uphold the D.C. The case will therefore be remanded to him for disposal on his merits after giving an [illegible]

× Mr Rakshmine [illegible]

[illegible] 23/6/24

NOTE—Contd. sheet

WD 0561—GPB—3750—1 8 22

2212/5

III.2]

Muzrai Secretariat

Muz. File No. 222 of 1923

Serial No.

18) Dbt. under Submit

AY 25.8.24 RG 25/8/24

19) Issue

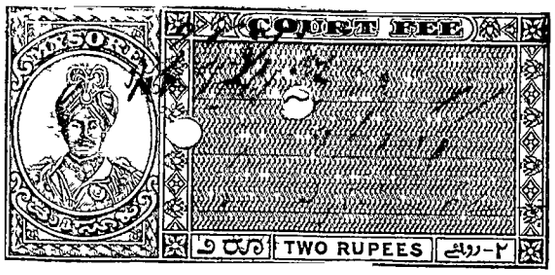
28 Sep.

4 To the Muzrai Commr. Memo. No. 372 d. 5.9.24. 7 ds with refce to sl. 3 a copy of G.O. in the above appeal stating that Govt are unable to uphold the D.C.'s order that the appellant had no hereditary hak in the office, and remanding the case to the D.C. for disposal on the merits after hearing the

NOTE—Contn. sheet

WD 0561—GPB—3750—1 8 22

Petnc 21 of 23-24. D/14/2/24 — 1 — Petn Box 11/2/24 (Copy & Vakalat)



Dwoks Stamp

1023

Muz

Before the Govt. of His Highness ~~In the Court of the Muzaroi~~ the Maharaja of ~~Commissioner~~ in Mysore.

Muz. 222-23-1. of 23-24.

Muzaroi appeal no

Appellant	vs. Respondent
Basaviah, Son of Puttaiah, Lingayat, residing at Dodda Ankanahalli - Kylancha Hobli Closepet Taluk	Nagamangaliah residing at — Lakkondahalli Closepet Taluk

Received

22/2

The appellant above-named begs to prefer this appeal against the order of the Learned Deputy Commissioner of Bangalore in Muzeroi appeal no. 1 of 23-24 confirming the order of the Learned Subdivision Officer of Closepet removing the appellant from the office of Pujarship of Basaveswara temple, situated in - Dodda Ankanahalli village - Kylancha Hobli, Closepet Taluk

1) The Learned Deputy Commissioner erred in disposing off the appeal adversely to the appellant without giving any opportunity either to the appellant or to his advocate of presenting the case before him

2) The Learned Deputy Commissioner erred in holding that the appeal preffered before him by the appellant was barred by limitation. It is not apparent from his order on what basis he held that the appeal was out of time, but if he purported to compute the time from the date of the communication made by the Subdivision officer to the Deputy Amildar on 21-6-23 the appellant humbly submits that the time was — calculated on a wrong basis altogether. The communication of an order from a superior officer to his subordinate in the Department could not have been intended for the information of the party of the date of such communication could not give the starting point for limitation, On the other hand an endorsement which is herewith produced of date

and informing him the appellant the order removing him from office. The endorsement was received by the appellant on 18-8-23. The said appellant preferred the appeal against the said order to the Deputy Commissioner on 6-9-23 so that even if the time should be computed from the date of the said endorsement ie 11-8-23 & not from the date of its receipt by the appellant. The appeal of the appellant against the said order was preferred within 23 days from the date of the order & so the appellant submits that the appeal was filed in time & the observation of the Learned Deputy Commissioner to the contrary was not correct.

3) The Learned Deputy Commissioner erred in holding that the appellant's rights had not yet "crystalized by being held for three generations"! He failed to see that even the avowed enemies of the appellant who alone have stirred up the strife on false & unfounded

allegations viz. Krishnegowda & Hanumegowda

oath before the Deputy Amildar statements to the effect that the office of Pujariship was heriditary in the family of the appellant; extracts from their depositions showing this are given below.

(*) P

a) (P.L.C) Krishnegowda's deposition before the Deputy Amildar on 23-2-23 -- ఇదే గ్రామదపూజారి పుట్టయ్యనేంబువను (father of appllt) పూజే మాడికొండు ఇనాంకి జమీనన్ను. అనుభవిసుత్తా, ఇద్ద ఈ పుట్టయ్యపువరి యాగి సుమారు 15 వర్షవాయ్యు. పుట్టయ్యనిగే పుట్టశిద్దయ్యనేంబ (undivided junior paternal uncle of the appellant) తమ్మను ఇద్దను. సరది మోరిగే అవను సరు అర్జనేకేల సమాడుత్తా, ఇద్ద ఈ పుట్టశిద్దయ్యపువరి ఆగి సుమారు 7 వర్షవాయితు ఈ ఇబ్బరు అణ్ణతమ్మందిరు సత్తనంతర. (ie father + uncle of appllt) నేం పుట్టయ్యనమక్కళు ఆగిద్ద శిద్దయ్య, శిద్దలింగయ్య, బసప్ప (appllt) మాదయ్య ఈనాల్కు జనగళు ఎకసృరు వృత్తిదల్లి ఇద్దుకొండు అర్జనే మాడుత్తా ఇద్దరు. ఇన్నొబ్బ పుట్టశిద్దయ్య (ie — appellant's uncle) నమక్కళు బూదిశిద్ద, గౌడయ్య ఇవంబ్బరు ఎకసృరు వృతదల్లి ద్దుకొండు సరది మోరిగే పూజే మాడుత్తా ఇద్దరు. అర్జనేకేల సదసరది

Mirle [illegible] Narana Appa Advocate [illegible] [illegible]

న్ను గళీ మాడిక్కొండు ఇనాం రిజిమీనన్ను భాగ మాడిక్కొండు అనుభవ మాడుత్తా ఇద్దరు

b) Both the two people named above also distinctly said that they had objection only to Budi Siddeyya (1st cousin brother of the appellt) continuing in the office of Pujariship.

vide, Krishnegowda's deposition before the Deputy Amildar ~~made~~ made on 23-2-23.

"పూజారిపుట్టయ్యన మగశిద్దయ్య (ie appellt's brother) తిరిమగ నాగియుం - యోగ్య నాగియుం ఇరుత్తానే. . . . . .

ఇవనొంటలే పూజే మాడిసలూ అప్పనే ఆగబర్బదు"

vide Hanumegowda's deposition before the said Deputy Amildar made on the said date "తిందిన పూజారిపుట్టన (father of appellt) తిరిమగశిద్దయ్య (ie brother of appellant) పూజే మాడిక్కొండు బరువుదరక్షననిగే బరుళనంకోష".

In these circumstances the Learned Deputy Commissioner erred not only in holding that the right was not heridatory but also in confirming the order giving away the office to an

utter strangers to the family like the respondent when on their own showing of the devolees there were the appellant & his brothers who were deemed quite fit to hold the said office.

4) The Learned Deputy Commissioner failed to see that the order of the Learned Subdivision Officer based on a joint investigation made by himself (ie the Subdivision Officer) & the Deputy Amildar was bad in law as in any event at least the Deputy Amildar could not have been a duly authorized Mulgaoni officer within the meaning of the Mulgaoni Regulation.

5) The Learned Deputy Commissioner failed to see that the provisions of Section 36 of Mulgaoni Regulation were not at all complied with; only a few of the devolees whose number was far short of the minimum required, at instigation of the Patel, the pronounced enemy of the appltt objected only to the first cousin brother of the appellant continuing in office; they not only did not ob but actually expressed

desire that they would only be too glad to see the appt or his brother being installed in office. So there was no kind of justification at all for wresting. The office from the family of the appellant & giving it away to a ~~way~~ farer like the respondent. ~~An~~ In any event the appellant's family ought to have been as per terms of Section 36 of the regulation been adequately compensated for the loss of the office.

N: B: The endorsement given to the appellant from the taluk office & the order of the learned Deputy Commissioner in appeal are herewith appended. The former of them is not stamped as it is only an endorsement & not a copy of the order. For these reasons the appellant humbly prays that this Honourable court may be pleased to reverse the orders of the courts below & continue the office in the holding either of the appellant or in that of any of his brothers; he also further

prays that pending the disposal of this appeal this Honourable court may be pleased to stay further proceedings in execution of the orders under this appeal

Advocate for appellant

N.B. The appeal is preferred before the govt as the Learned Muzerai Commissioner before whom it was filed returned it for pr before This Court to the time occupied in the interval may kindly be condoned

Mirza. N. Lakshmi
Narayanappa.
Advocate for
Appt
20-2-21

ಅಅಣ್ EIGHT ANNAS ಎ-೧ 1 ಸ್ 1 25/24

This copy is prepared on the copy application dated 24.1.1924 presented by Archika Basavaiya appellant in Muzaroi appeal case no: 1 of 1923-24 praying to grant a copy of the order passed by the Deputy Commissioner, Bangalore District, in the above appeal case.

In the Court of the Deputy Commissioner
Bangalore District.

Present:- B. Venkoba Rao, Esquire, B.A
Deputy Commissioner.

Dated Bangalore 11th January 1924
Muzaroi Appeal no: 1 of 1923-24

Appellant:- Basavaiya
(By Mr. K.N. Srinivasan)

~~vs~~

Respondent:- Nagamangalaiya

This is an appeal against the order of the Sub Division Officer, Close-pet Sub Division removing the appellan

appellant from the P
Vanna Devaru temple at Ankanahalli
in the Closepet Sub Taluk appointing
the respondent in his place.

Order

The appeal is out of time and on the merits there are no reasons to interfere with the order of the Sub Division Officer which was passed after personal inspection. The hak of the appellant had not crystalised by being held for three generations. The stay order is withdrawn and the appeal is dismissed.

11/1/24

Sd/ B. Venkoba Rao,
Deputy Commissioner.

"Copy"
[illegible] 25/1/24
District Sheraste[illegible]
Bangalore Dt

[illegible]

Date of application	24.1.24
Copy ready	24.1.24
Copy delivered	25.1.24
No of words	190
Copying fees	0.40
Comparing fees	0.08
Paper cost	0.06
	0.5.2

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[illegible] P.19 / 23-7-23, P.19 / 3.8.23 [illegible]

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22.23

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Muz 4]

SUBJECT .....

Diary No. of letter replied to _____

Section Muz.

File No. 222-23.

Serial No. 2.

Muzrai Secretariat

( )

, the 192 .

No. 1180 four

Date of issue 6.3.24

Signed by Sm. T. Ramaiya

To

The Muzrai Comrs

Sir,

I am directed to forward herewith for favor of report with records. petition regd. no. 1023 from Basaviah Son of Putriah appealing against the Dy. Comrs. under declining

over.

interference with the Sub Divl. Officer's order removing the apte from the Pujariship of Basavesmana temple in Dodda Ankanahalli Village, Clospet Sub. Tahsil.

I have etc

29 2 24

D(A) for Rev. Secretary.

28/2/24

List of enclosures.

Copied by

Examined by

WD 0563—GPB—2,500—27 7 22

35371

Appl pet no 21 of 1924 on file

Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 14th M a y 1924.

From

K. Chandy, Esquire., B.A., Muz. 222-23-3.

Muzrai Commissioner in Mysore,

B a n g a l o r e.

SER. & REV SECRETARIAT. 15 MAY 1924 MUZRAI

Dno. 2212.

REV. SEC. Muz. 15 MAY 1924

To

K. V. Anantaraman, Esquire., B.A.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

Sir,

With reference to your letter No.1180/Muz.222-23-2 dated the 6th March 1924 forwarding for report with records the appeal petition of Basviah against the order of the Deputy Commissioner Bangalore District in the matter of his (B) right to the Pujariship of Basveswara temple in Dodda Ankanahalli village, Closepet Sub-Taluk, I have the honor to submit herewith the records received with the Bangalore Deputy Commissioner's letter No.O.C.2532 of 23-24 dated the 30th April 1924 in which he refers to his office memo in the appeal file for the facts of the case. The Appellant's conduct and his neglect of Puja in the temple having been -- complained of by the villagers in a body, the Deputy Commissioner and the Sub Division Officer visited the village and made personal enquiries and after being satisfied as to the truth of the allegations, the Sub Division Officer on the recommendation of the Deputy Amildar ordered the removal of the appellant from the (D) Archakship and the appointment of a new man ---- selected and brought by the villagers. The Inam land has been leased out by auction fetching a revenue of Rs.113-12-0 per annum to the temple. The Deputy Commissioner's (E) finding against the appellant that he is not the hereditary archak is borne out by the fact that as seen from the records the appellant's father was brought as Pujari by the present Patel's ----- father and after his death his uncle was conducting puja. The appellant has lost the sympathy of the villagers who are the devotees of the temple. In this circumstance the Deputy Commissioner's order appealed against, -- seems to be correct.

The appeal petition and its enclosures received with your letter under reply are also returned herewith.

I have the honor to be,

Sir,

Your most obedient servant,

K Chandy

Muzrai Commissioner.

KSR.

Before the Government of His Highness the Maharaja of Mysore.

Muz Appeal No. 7 of 1923-4.

Appellant. Vs. Respondent

Basaviah Son of Puttaiya

Nagamangaliah.

Subject.

Appeal against the Bungalore Dy. Comrs. order declining to interference with the Sub Divl Officer's order removing the aplt from the Pujari-ship of Basaveswara temple at Dodda Ankana halli Village, Clospet Sub. Taluk and appointing the respdt. Nagamangaliah as Archaka

Order

GPB—1,000—8.8 11

The case was heard on 23d Aug 1924, The aplt was represented by his Advocate Mr M. Lakshminarnappa, and the respt, by Mr Narasimhiengar.

The Dy Comr has dismissed the appeal preferred to him by the aplt merely on a perusal of the records connected with the case ~~itself~~ and without giving a hearing to the aplt on the ground that (1) the appeal petition was time barred, and (2) the petr not being a hereditary Archak, the appointment of a Stranger to the office was in order.

On the first point, it is seen from the records that though the order of the Sub Divl officer directing the dismissal of the aplt was passed in April 1923, it was not communicated to the aplt till 11th Aug. 1923 and as he presented the appeal to the Dy. Comr on 4th Septr 1923

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

The appeal petition should be considered ~~[illegible]~~ in time and the Dy Comr was therefore not right. Further the Dy. Comr has not stated in his order on what evidence or other material he based his finding that the aplt had no hereditary hak in the office.

In these circumstances, Govt are unable to uphold the order of the Dy. Comr. The case will therefore be remanded to him for disposal on the merits after giving a hearing to the aplt.

Memo [illegible]

WD 2230—GPB—1,60,000—23-7-20

Copy to the
Muz. Comr with the
records received with
his letter no 21 of
14th May 1924.

B-O

28 Sr

Offg Rec Secretary

[illegible]
25/8/24